

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREEVILLE DIVISION**

**CALVIN REED**

**PETITIONER**

v.

**No. 4:18CV22-M-RP**

**MDOC, ET AL.**

**RESPONDENTS**

**CERTIFICATE OF APPEALABILITY**

The court has entered a final judgment in a *habeas corpus* proceeding in which the detention complained of arises out of process issued by a state court under 28 U.S.C. § 2254, or in a proceeding under 28 U.S.C. § 2255 or § 2241, and the court, considering the record in the case and the requirements of Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c), hereby finds that:

**PART A**

- the applicant has made a substantial showing of the denial of a constitutional right.

SPECIFIC ISSUE(S):

- a certificate of appealability should not issue.

REASONS FOR DENIAL: For the reasons stated in its opinion, the court finds that the Petitioner has failed to “demonstrate that the issues are debatable among jurists of reason; that a court could resolve issues in a different manner; or that the questions are adequate to deserve encouragement to proceed further.” *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4, 103 S.Ct. 3383, 3394 n.4, 77 L.Ed.2d 1090 (1993) (superseded by statute) (citations and quotations omitted); 28 U.S.C. § 2253(c) (1) and (2). Specifically, the court finds, for the reasons set forth in its memorandum opinion and final judgment, that the instant petition for a writ of *habeas corpus* should be dismissed with prejudice and without evidentiary hearing as untimely filed.

**SO ORDERED**, this, the 27th day of November, 2018.

/s/ MICHAEL P. MILLS  
**UNITED STATES DISTRICT JUDGE**  
**NORTHERN DISTRICT OF MISSISSIPPI**